STATE OF MICHIGAN

COURT OF APPEALS

REV. WILLIAM REVELY, JAMES BRIDGFORTH, HARRY WILLIS and MESSIAH MISSIONARY BAPTIST CHURCH,

Plaintiffs-Appellants,

V

SAM JONES, DAVID LEVY, HENRY TIMMONS, WILLIE POOLE, JAMES MOSS, LUTHER WYATT, ARTHUR MCCLUNG, ERNEST HENDRIX, JOSHUA MCCALLISTER, RAY ROBINSON, WALTER ROBINSON, MICHAEL LEE, WILLIE HOWARD, ELSIE FINNER, ROBERT CRISP, EMMA HAMMOND, OSCAR HUTSON, JOHNNIE TANSIL, REV. PHILLIP GARLAND and CHARLES LUSBY,

Defendants-Appellees.

UNPUBLISHED
December 11, 2001

No. 219084
Wayne Circuit Court
LC No. 97-716623-NZ

Before: Bandstra, C.J., and White and K.F. Kelly, JJ.

PER CURIAM.

Plaintiffs appeal as of right from an amended circuit court order granting summary disposition in favor of defendants.[1] We affirm, concluding that there is no subject matter jurisdiction over the ecclesiastical issues raised.[2]

---

[1] This case was consolidated with case number 97-715125-CZ in the lower court. While the instant appeal involves only lower court number 97-716623-NZ, plaintiffs filed a claim of appeal with respect to number 97-715125-CZ, but this Court subsequently dismissed the appeal in Docket No. 217757. Although Reverend William Revely, James Bridgforth, Harry Willis, and Messiah Missionary Baptist Church were plaintiffs in lower court number 97-715125-CZ, only Revely and Bridgforth are plaintiffs in the instant case. Therefore, references to "plaintiffs" in this opinion refer only to Revely and Bridgforth. Additionally, only Willie Howard, Elsie Finner, Robert Crisp, Emma Hammond, Oscar Hutson, Johnnie Tansil, Reverend Phillip Garland, and Charles Lusby were defendants in the lower court. The remaining individuals listed as defendants were defendants only with respect to lower court number 97-715125-CZ. References to "defendants" in this opinion refer only to Howard, Finner, Crisp, Hammond,

(continued…)

The First Amendment to the United States Constitution provides, in part, that Congress shall make no law prohibiting the free exercise of religion. US Const, Am I; *Lewis v Seventh Day Adventists Lake Region Conference*, 978 F2d 940, 941 (CA 6, 1992). The Free Exercise Clause applies to the states via the Fourteenth Amendment to the United States Constitution. US Const, Am XIV. Both the Free Exercise Clause and Article 1, § 4 of the Michigan Constitution severely restrict federal and state courts from resolving disputes between a church and its members. *Maciejewski v Breitenbeck*, 162 Mich App 410, 413-414; 413 NW2d 65 (1987). In fact, jurisdiction over such matters "is limited to determining property rights that can be resolved by the application of civil law." *Id*. at 414; see also *Hutchison v Thomas*, 789 F2d 392, 396 (CA 6, 1986).

In *Lewis*, for example, Joseph Lewis was employed by the Lake Region Conference of the Seventh Day Adventists Church ("the Conference") as a minister for several Michigan churches. *Lewis*, *supra* at 941. After a dispute arose concerning Lewis' handling of church finances and conduct as the personal representative of an estate to which both Lewis and the Conference were devisees, Lewis' employment was terminated. *Id*. Lewis and his wife filed suit against the Conference, alleging breach of contract, promissory estoppel, intentional infliction of emotional distress, and loss of consortium. *Id*. The district court dismissed the case on the basis that the Free Exercise Clause precluded it from exercising subject-matter jurisdiction over the case and the plaintiffs appealed. *Id*.

In reviewing the matter, the United States Court of Appeals for the Sixth Circuit first noted that "[t]he Supreme Court has long held that on matters of church discipline, faith, practice and religious law, the Free Exercise Clause requires civil courts to refrain from interfering" in internal church matters. *Id*. at 941-942, citing *Watson v Jones*, 80 US (13 Wall) 679, 727; 20 L Ed 666 (1871). The court further noted that, in a more recent opinion, the Supreme Court had reiterated '"the general rule that religious controversies are not the proper subject of civil court inquiry, and that a civil court must accept the ecclesiastical decisions of church tribunals as it finds them.'" *Id*. at 942, quoting *Serbian Eastern Orthodox Diocese v Milivojevich*, 426 US 696, 712-713; 96 S Ct 2372; 49 L Ed 2d 151 (1976).[3] Accordingly, the court affirmed the dismissal of the plaintiff's case, stating that a minister's employment relationship with a church implicates internal church discipline, faith, and organization, governed by ecclesiastical rule, custom, and law, and that civil court jurisdiction over a ministerial employment dispute would "excessively inhibit religious liberty." *Id*.

Similarly, in *Hutchison*, *supra*, the plaintiff, a Methodist minister, filed suit against a bishop, three of the bishop's subordinates, and various church organizations, challenging his

---

(…continued)

Hutson, Tansil, Garland, and Lusby.

[2] We acknowledge that defendant first raised the ecclesiastical abstention doctrine on appeal, and plaintiff filed no reply brief. However, the issue is one of law, and a challenge to a court's subject-matter jurisdiction may be raised at any time, even if raised for the first time on appeal. MCR 2.116(D)(3); *Bass v Combs*, 238 Mich App 16, 24; 604 NW2d 238 (1999).

[3] Plaintiffs did not first bring this matter for resolution before any ecclesiastical body and the record is not clear whether such a body exists.

forced retirement under the disciplinary rules of the church. *Id*. at 392-393. In doing so, he alleged that the defendants were guilty of fraudulent, collusive, or arbitrary action, as well as defamation, intentional infliction of emotional distress, and breach of contract. *Id*. at 393. The district court dismissed the case on the basis of lack of subject-matter jurisdiction. *Id*. at 392. The Sixth Circuit again affirmed, finding that the plaintiff's claim related to his "status and employment as a minister of the church," and that such employment concerned "internal church discipline, faith, and organization, all of which are governed by ecclesiastical rule, custom, and law." *Id*. at 396.

As in *Hutchison* and *Lewis*, the instant case revolves around one of the plaintiff's (Revely's) activities, status and employment as a minister. Defendants were members of Concerned Members of Messiah Missionary Baptist Church, a faction of the church attempting to oust Revely as its minister. The allegedly tortious activities about which plaintiffs complain all involved defendants' attempts to accomplish that goal. They complain that defendants used the church facility, without proper authority, for meetings critical of Revely and for the purpose of an unauthorized election to overthrow him as minister. They complain that defendants took steps to announce the election to the congregation without following usual church procedures and rules. They allege that defendants made defamatory statements regarding Revely's use of the church facility and its funds. The allegedly defamatory material contains references to the church's bylaws and constitution, as well as to Revely's employment agreement with the church.

In sum, what the record and complaint here present is an internecine ecclesiastical dispute between plaintiffs and defendants, all members of a church, concerning whether Revely acted appropriately as the church's minister. Whether plaintiff Revely's actions were appropriate depends almost entirely on an understanding of the "internal church discipline, faith and organization" of Messiah Missionary Baptist Church; in other words this dispute is "governed by ecclesiastical rule, custom and law." See *Hutchison*, *supra* at 396. Accordingly, we conclude that the exercise of civil court jurisdiction over this dispute would excessively inhibit religious liberty. *Id.* We conclude that summary disposition was appropriately granted to defendants.[4]

We affirm.

/s/ Richard A. Bandstra
/s/ Helene N. White
/s/ Kirsten Frank Kelly

[4] To the extent the lower court granted summary disposition on other grounds, we note that we will affirm a decision that is correct, without regard to the reasoning for that decision. See *Detroit v Presti*, 240 Mich App 208, 214; 610 NW2d 261 (2000).